

SEVENTY-THIRD DAY - MAY 9, 2019
LEGISLATIVE JOURNAL
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

SEVENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 9, 2019

PRAYER

The prayer was offered by Pastor Jeremy Wissink, Community Bible Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Pansing Brooks and Vargas who were excused; and Senators Cavanaugh, M. Hansen, Morfeld, Walz, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-second day was approved.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 101 and 102 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 101 and 102.

ANNOUNCEMENT

The Chair announced the birthday of Senator Hunt.

GENERAL FILE

LEGISLATIVE BILL 492. Committee AM628, found on page 1238 and considered on page 1353, was renewed.

SENATOR WILLIAMS PRESIDING

Senator Wayne offered the following amendment to the committee amendment:

AM1657

(Amendments to Standing Committee amendments, AM628)

- 1 1. On page 1, line 7, after "areas" insert "or combined statistical
- 2 areas"; and in line 22 after "area" insert "or combined statistical
- 3 area".
- 4 2. On page 2, after line 8 insert the following new subdivision:
- 5 "(2) Combined statistical area means two or more adjacent
- 6 metropolitan statistical areas or micropolitan statistical areas
- 7 delineated by the United States Office of Management and Budget as a
- 8 combined statistical area under standards developed using data from the
- 9 2010 Census of Population by the United States Bureau of the Census, and
- 10 data from the 2006-2010 American Community Survey 5-Year Estimate by the
- 11 United States Bureau of the Census, as such delineations existed on April
- 12 10, 2018."; in line 9 strike "(2)" and insert "(3)"; strike lines 11
- 13 through 15 and insert the following new subdivisions:
- 14 "(4) Metropolitan statistical area means a core-based statistical
- 15 area delineated by the United States Office of Management and Budget as a
- 16 metropolitan statistical area under standards developed using data from
- 17 the 2010 Census of Population by the United States Bureau of the Census,
- 18 and data from the 2006-2010 American Community Survey 5-Year Estimate by
- 19 the United States Bureau of the Census, as such delineations existed on
- 20 April 10, 2018.
- 21 "(5) Micropolitan statistical area means a core-based statistical
- 22 area delineated by the United States Office of Management and Budget as a
- 23 micropolitan statistical area under standards developed using data from
- 24 the 2010 Census of Population by the United States Bureau of the Census,
- 25 and data from the 2006-2010 American Community Survey 5-Year Estimate by
- 26 the United States Bureau of the Census, as such delineations existed on
- 1 April 10, 2018."; in line 16 strike "(4)" and insert "(6)"; in line 17
- 2 strike "(5)" and insert "(7)"; in line 20 strike "(6)" and insert "(8)";
- 3 and in line 25 after "area" insert "or combined statistical area".
- 4 3. On page 3, line 3, strike "or" and after "area" insert ", or
- 5 combined statistical area"; in line 14 after "(2)" insert "(a)"; in line
- 6 17 after "area" insert "or combined statistical area"; in line 18 strike
- 7 the first "vote" and insert "decide"; and after line 24 insert the
- 8 following new subdivision:
- 9 "(b) At any time after a municipality has joined a regional
- 10 metropolitan transit authority pursuant to subdivision (2)(a) of this
- 11 section, such municipality may decide, by a two-thirds vote of its
- 12 governing body, to leave such regional metropolitan transit authority.
- 13 Following such vote, the governing body shall transmit a copy of the
- 14 resolution to leave the regional metropolitan transit authority to the
- 15 board of such regional metropolitan transit authority. As provided in
- 16 subsection (2) of section 8 of this act, the operating jurisdiction of
- 17 such regional metropolitan transit authority shall no longer extend to
- 18 areas within the boundaries of such municipality.".

19 4. On page 4, line 13, after "area" insert "or combined statistical
20 area".

21 5. On page 5, line 26, strike "subsection (2)" and insert

22 "subdivision (2)(a)" and after the comma insert "or upon a municipality

23 leaving such regional metropolitan transit authority by vote pursuant to

24 subdivision (2)(b) of section 4 of this act."; in lines 28 and 29 strike

25 "newly established" and insert "redrawn"; and in line 30 after "joining"

26 insert "or leaving".

The Wayne amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator La Grone moved for a call of the house. The motion prevailed with 23 ayes, 9 nays, and 17 not voting.

Senator La Grone requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Blood	DeBoer	Kolowski	McDonnell	Williams
Bolz	Dorn	Kolterman	Morfeld	Wishart
Brandt	Hansen, M.	Lathrop	Quick	
Cavanaugh	Hilkemann	Lindstrom	Scheer	
Chambers	Howard	Linehan	Stinner	
Crawford	Hunt	McCollister	Wayne	

Voting in the negative, 9:

Bostelman	Clements	Groene	La Grone	Moser
Brewer	Erdman	Hilgers	Lowe	

Present and not voting, 9:

Albrecht	Briese	Geist	Halloran	Murman
Arch	Friesen	Gragert	Hughes	

Excused and not voting, 5:

Hansen, B.	Pansing Brooks Slama	Vargas	Walz
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Advanced to Enrollment and Review Initial with 26 ayes, 9 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 690. Title read. Considered.

Committee AM1488, found on page 1314, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator Cavanaugh moved for a call of the house. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator Wishart filed the following amendment to LB519: AM1591 is available in the Bill Room.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Moser has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Senator Blood name added to LB690.

VISITOR(S)

Visitors to the Chamber were students from Elmwood-Murdock Elementary School; students from Shoemaker Elementary School, Grand Island; and students from St. Bonaventure School, Columbus.

RECESS

At 11:49 a.m., on a motion by Senator Hunt, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Scheer presiding.

ROLL CALL

The roll was called and all members were present except Senators Howard, Pansing Brooks, and Vargas who were excused; and Senators Dorn, Groene, Hilkemann, and Linehan who were excused until they arrive.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 675. Placed on Select File with amendment.
ER108 is available in the Bill Room.

LEGISLATIVE BILL 294. Placed on Select File with amendment.
ER109

- 1 1. In the Standing Committee amendments, AM1329:
- 2 a. On page 39, line 8, strike "14,653,804" and insert "12,653,804";
- 3 b. On page 47, line 26, strike "\$2,734,288" and insert "\$2,734,444";
- 4 c. On page 53, line 8, after "Health" insert "Care";
- 5 d. On page 55, line 24, strike the second occurrence of "17,613,382" and insert "18,226,294";
- 7 e. On page 64, line 15, strike "cost" and insert "costs"; and
- 8 f. On page 141, line 19, strike "FY2016-17" and insert "FY2018-19".

LEGISLATIVE BILL 299. Placed on Select File.

LEGISLATIVE BILL 464. Placed on Select File.

(Signed) Julie Slama, Chairperson

SENATOR HUGHES PRESIDING**GENERAL FILE**

LEGISLATIVE BILL 424. Committee AM509, found on page 705 and considered on pages 1198 and 1199, was renewed.

Senator Hilgers renewed his amendment, AM1401, found on page 1199 and considered on page 1207, to the committee amendment.

SPEAKER SCHEER PRESIDING**SENATOR HUGHES PRESIDING**

Senator Chambers offered the following motion:

MO80

Bracket until June 6, 2019.

Senator Chambers withdrew his motion to bracket.

Senator La Grone offered the following motion:

MO82

Bracket until June 5, 2019.

Senator La Grone withdrew his motion to bracket.

Senator Quick offered the following motion:

MO81

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Quick moved for a call of the house. The motion prevailed with 31 ayes, 5 nays, and 13 not voting.

Senator Quick requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 31:

Arch	Crawford	Hughes	McDonnell	Wayne
Blood	DeBoer	Hunt	Morfeld	Williams
Bolz	Dorn	Kolowski	Moser	Wishart
Brandt	Friesen	Kolterman	Quick	
Briese	Gragert	Lathrop	Scheer	
Cavanaugh	Hansen, M.	Lindstrom	Stinner	
Chambers	Hilkemann	McCollister	Walz	

Voting in the negative, 10:

Bostelman	Erdman	Groene	Hilgers	Lowe
Clements	Geist	Halloran	La Grone	Slama

Present and not voting, 5:

Albrecht	Brewer	Hansen, B.	Linehan	Murman
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Excused and not voting, 3:

Howard	Pansing Brooks Vargas
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The Quick motion to invoke cloture failed with 31 ayes, 10 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 118. Introduced by Hunt, 8; Blood, 3; Bolz, 29; Bostelman, 23; Brandt, 32; Briese, 41; Cavanaugh, 6; Chambers, 11; Crawford, 45; DeBoer, 10; Dorn, 30; Geist, 25; Groene, 42; Halloran,

33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Howard, 9; Kolowski, 31; Kolterman, 24; La Grone, 49; Lathrop, 12; Lindstrom, 18; Linehan, 39; McCollister, 20; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Scheer, 19; Slama, 1; Stinner, 48; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, a 2006 Federal Bureau of Investigation assessment defined a white supremacist as a pro-white person who believes that the white race is superior to all other races and was created to rule them. White supremacists view non-whites as subhuman and usually refer to them in derogatory terms; and

WHEREAS, the same 2006 intelligence assessment describes the domestic white-nationalist movement as seeking to promote, honor, and defend the white race. A white nationalist believes the white race is under attack from Jewish interests that dominate the media, banking, entertainment industries, and the government, which white nationalists refer to as the Zionist Occupied Government or ZOG, and that such interests act to the detriment of the white race. White nationalists view multiculturalism, diversity, and illegal immigration as direct assaults on the white race and race-mixing as akin to white genocide. White nationalists hope to appeal to mainstream whites, believing that the majority of white people do not understand the imminent or long-term threat to their race. Many white nationalists contend that a race war, often referred to as RAHOWA, or Racial Holy War, is a certainty; and

WHEREAS, white supremacy and white nationalism are contrary to the ideals of the United States of America, which was established according to the principle stated in the Declaration of Independence that all men are created equal, a principle that was updated in 1848 in Seneca Falls, New York, to include all people; and

WHEREAS, while our country has often fallen short of these ideals, patriotic Americans have sought to embody the founding values of our country by rejecting white nationalism and white supremacy, embracing inclusive patriotism, and welcoming immigrants from across the globe who have continuously enriched our nation; and

WHEREAS, on April 27, 2019, a domestic terrorist armed with an assault rifle opened fire on worshipers in Chabad of Poway, a synagogue in Poway, near San Diego, California, killing Lori Kaye, 60, and injuring three others; and

WHEREAS, the perpetrator of this act of terrorism has also been linked to an arson blaze that blackened the walls of the Islamic Center of Escondido, a mosque in San Diego; and

WHEREAS, the perpetrator was motivated by white supremacy and white nationalism ideologies and inspired by the white-nationalist terrorist who killed fifty people in attacks on mosques in Christchurch, New Zealand at Friday prayer on March 15, 2019; and

WHEREAS, according to FBI statistics, hate crimes nationwide, including those in places of worship, increased in 2015, in 2016, and in 2017, the three most recent years for which data is available.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature condemns racist violence and domestic terrorist attacks motivated by white supremacy and white nationalism.
2. That the Legislature recognizes Lori Kaye of Poway, California, who was killed in the domestic terrorist attack in San Diego, California, and the three other individuals injured in such attack, and offers condolences to the family and friends of Lori Kaye and sympathy to those individuals recovering from injuries sustained during such attacks.
3. That the Legislature recognizes the hundreds of other individuals killed and injured in attacks motivated by religious hatred.
4. That the Legislature offers support for communities victimized by demonstrations of violent bigotry.
5. That the Legislature rejects groups that espouse racism, extremism, xenophobia, anti-Semitism, Islamophobia, white supremacy, and white nationalism as hateful groups of intolerance contrary to the values of Nebraskans.
6. That a copy of this resolution be sent to the Vice President of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives, and each member of Nebraska's congressional delegation.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR118 was referred to the Reference Committee.

AMENDMENT(S) - Print in Journal

Senator Hilgers filed the following amendment to LB424:
AM1404

(Amendments to Standing Committee amendments, AM509)

- 1 1. Insert the following new amendment:
- 2 2. On page 12, line 14, after the semicolon insert "and"; strike
- 3 lines 15 through 18 and show as stricken; and in line 19 strike "(r)",
- 4 show as stricken, and insert "(q)".

Senator Hilgers filed the following amendment to LB424:
AM1402

(Amendments to Standing Committee amendments, AM509)

- 1 1. Insert the following new amendments:
- 2 2. On page 11, strike lines 28 through 30 and show as stricken; and
- 3 in line 31 strike "(l)", show as stricken, and insert "(k)".
- 4 3. On page 12, line 2, strike "(m)", show as stricken, and insert
- 5 "(l)"; in line 5 strike "(n)", show as stricken, and insert "(m)"; in
- 6 line 7 strike "(o)", show as stricken, and insert "(n)"; in line 13

7 strike "(p)", show as stricken, and insert "(o)"; in line 15 strike
8 "(q)", show as stricken, and insert "(p)"; and in line 19 strike "(r)",
9 show as stricken, and insert "(q)".

Senator Hilgers filed the following amendment to LB424:
AM1400

(Amendment to Standing Committee amendments, AM509)

- 1 1. Insert the following new amendment:
- 2 2. On page 20, line 12; and page 22, line 11, after the period
- 3 insert "No automatically accepted bid shall be given on or after the
- 4 effective date of this act.".

Senator Friesen filed the following amendment to LB462:
AM1736

(Amendments to Standing Committee amendments, AM1568)

- 1 1. Strike section 13.
- 2 2. On page 5, line 4, after "operator" insert "and excavator".
- 3 3. Renumber the remaining sections and correct internal references
- 4 and the repealer accordingly.

VISITOR(S)

Visitors to the Chamber were students from Paddock Road Elementary School, Omaha; students from Exeter-Milligan Elementary School; students and teachers from Lincoln Northeast High School; students from Plainview Elementary School; and students from Ansley Elementary School.

The Doctor of the Day was Dr. Carol LaCroix from Omaha.

ADJOURNMENT

At 4:43 p.m., on a motion by Senator Walz, the Legislature adjourned until 9:00 a.m., Friday, May 10, 2019.

Patrick J. O'Donnell
Clerk of the Legislature

